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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051465
Party	Plaintiff EA Digital Illusions CE AB and Electronic Arts Inc.
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Attachments	Joint Opposition to Docket Nos 95-99.pdf (4 pages)(90573 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,105,816
For the Trademark EDGE
Issued June 20, 2006

EA DIGITAL ILLUSIONS CE AB, a Swedish
corporation; ELECTRONIC ARTS INC., a
Delaware corporation,

Petitioners,

v.

EDGE GAMES, INC., a California corporation
and FUTURE PUBLISHING LTD, a UK
company,

Co-Defendants.

EA DIGITAL ILLUSIONS CE AB,
ELECTRONIC ARTS INC., AND
FUTURE PUBLISHING LTD'S JOINT
OPPOSITION TO EDGE GAMES'
FILINGS AT DOCKET NOS. 95-99.

Cancellation No. 92051465

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

On April 9, 2013, the Board issued its decision granting the petition to cancel Registration Nos. 2219837, 2251584, 3105816, 3381826, and 3559342 ("Decision"). (Docket No. 94) In response, Edge Games filed a variety of requests for reconsideration, and a letter to the Board at Docket Nos. 95-99 ("the Edge Games Filings"). EA Digital Illusions CE AB, Electronic Arts Inc., and Future Publishing Ltd. hereby jointly oppose the Edge Games Filings. They all lack merit, and should be summarily denied.

As the Board correctly noted in its Decision, the United States District Court for the Northern District of California issued a Judgment dated October 8, 2010, ordering the Trademark Office to cancel the subject registrations owned by Edge Games. (See Certified Copy of Judgment at Docket No. 85) Thereafter, Edge Games raised with the Board various challenges

to the validity of the Judgment. In response, the Board gave Edge Games an opportunity to seek further relief from the District Court to set aside the Judgment. The Board stated that in the absence of a District Court Order setting aside the Judgment, the Board would cancel the subject registrations as ordered. (See Docket No. 67). Edge Games was allowed substantial time to seek and obtain relief from the District Court. *Id.* Edge Games, however, was unsuccessful in obtaining any such relief (See Certified Copy of Order Granting Motion to Strike at Docket No. 85). At the Board's request, Respondents thereafter filed certified copies of the District Court Judgment as required under the TMEP (See Docket Nos. 84-85). The Board then properly complied with the Judgment of the District Court and ordered the cancellation of the subject registrations. (Docket No. 94)

Edge Games now argues that the certified copies of the Judgment submitted by Respondents were inadequate because they were "not certified to the Director." Edge Games is incorrect. The Judgment was properly certified by the Clerk of the United States District Court, and it specifically ordered the Director to cancel the subject registrations. Therefore, Respondents satisfied TMEP Section 1610, as requested by the Board.

Edge Games also argues that the cancellation action should have been dismissed rather than sustained. It bases this argument on the request for voluntary dismissal that was submitted at Docket No. 33. Edge Games, however, is again incorrect. That request for dismissal was conditioned upon Edge Games' voluntary surrender of the subject registrations for cancellation. Edge Games, however, withdrew its surrenders and tried to escape the District Court Judgment of cancellation. As a result, the conditions for the voluntary dismissal of this proceeding were no longer satisfied, and the Board entered several subsequent orders regarding Edge Games' withdrawal of its surrenders and the reinstatement of this proceeding. (See Docket Nos. 34, 42, 67, 84) Edge Games is now concerned that the Board's Decision granting the petition for cancellation somehow creates an implication of fraud on the USPTO, or abandonment of the registrations, committed by Edge Games. This concern, however, is misplaced. The Board's

Decision does not make any such findings, and clearly states that the cancellation is based solely upon the District Court Judgment. (Docket No. 94)

Finally, the Edge Games Filings recycled many of the same arguments Edge Games previously made in challenging the validity of the District Court Judgment. All of these arguments are clearly without merit. The Board gave Edge Games the opportunity to seek further relief from the District Court. Edge Games was unsuccessful. Therefore, the District Court Judgment stands, and the Board is bound to follow it, as correctly noted in the Decision.

Respectfully submitted,

Dated: April 29, 2013

REED SMITH LLP

By: /s/ Robert N. Phillips
Robert N. Phillips
Attorneys for Future Publishing Limited

Dated: April 29, 2013

EA DIGITAL ILLUSIONS CE AB
ELECTRONIC ARTS, INC.

By: /s/ Vineeta Gajwani
Vineeta Gajwani
Trademark Counsel

CERTIFICATE OF SERVICE

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, its is hereby certified that a true copy of the foregoing EA DIGITAL ILLUSIONS CE AB, ELECTRONIC ARTS INC., AND FUTURE PUBLISHING LTD'S JOINT OPPOSITION TO EDGE GAMES' FILINGS AT DOCKET NOS. 95-99 was served on Edge Games, Inc., by depositing same in the U.S. Mail, first class postage prepaid, this 29th day of April, 2013 to:

Tim Langdell
Edge Games Inc.
530 South Lake Avenue, #171
Pasadena, CA 91101

/s/ Veronica Canton
Veronica Canton